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UNCLAS SECTION 01 OF 17 BISHKEK 000211

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR G/TIP, G, DRL, INL, PRM, SCA/RA,

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TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [ELAB](#) [SMIG](#) [KFRD](#) [PREF](#) [ASEC](#) [KG](#)

SUBJECT: KYRGYZSTAN 2008 TRAFFICKING IN PERSONS (TIP) REPORT

Ref: State 2731

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¶1. (SBU) Following is Embassy Bishkek's 2008 Trafficking in Persons report. The report follows the response format outlined in reftel.

U.S. Embassy Bishkek trafficking point of contact:

Valerie J. Chittenden, Consul

Tel: (996-312) 551-241 x 4441

Fax: (996-312) 551-264

Email: ChittendenVJ@state.gov

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¶2. (SBU) Begin text:

¶1. Overview of a country's activities to eliminate trafficking in persons:

¶A. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children?

Kyrgyzstan is a country of origin and transit, and, to a lesser degree, destination for internationally trafficked people. Internal trafficking for both labor and sexual exploitation also occurs, generally from poor rural areas to larger cities such as Bishkek in the north and Osh in the south.

There are no areas within the country that are outside of government control. The Government has been taking steps during the reporting period to address the issue of trafficking in persons.

Reliable data on the number of people trafficked is unavailable because no baseline study has been conducted

since 1999. The International Organization of Migration (IOM) and the Kyrgyz State Committee on Migration and employment (SCME) gather trafficking information in their efforts to combat it. However, both NGOs and government officials estimate that there are up to 4,000 Kyrgyz women working in the United Arab Emirates (UAE) in the sex industry. Most of these women are presumed to be victims of trafficking, although no reliable studies on the actual number of trafficking victims has been conducted. A significant number of trafficking victims are also presumed to be working in Kazakhstan and Russia, where large numbers of Kyrgyz labor migrants work on farms (in Kazakhstan) and in trading, construction, and factories (in Russia). By various estimates, the number of Kyrgyz labor migrants currently working in Kazakhstan range from 30,000-300,000, depending on the season. Another 250,000-400,000 Kyrgyz citizens are estimated to be working in Russia. The bulk of these are economic migrants, given the high unemployment and relatively stagnant economy in Kyrgyzstan, and are not trafficked. The precise number of those Kyrgyz citizens working in Russia and Kazakhstan who may be victims of trafficking is, however, unknown. According to the SCME offices in Russia, they assisted 4,000 Kyrgyz citizens recoup approximately 120 million rubles (\$4.8 million US) worth of salaries that had been illegally withheld by Russian employers. Numerous government officials and NGOs have noted, however, that the large numbers of Kyrgyz citizens working in Kazakhstan and Russia is a net positive for the country since it significantly reduces the number of unemployed people in Kyrgyzstan and at the same time provides much needed remittances to the families of migrant workers. Local press reports indicate that the total amount of money remitted from Kyrgyz citizens abroad was \$710 million for the first seven months of 2007. Most Kyrgyz citizens working in Kazakhstan, and to a lesser extent in Russia, do so on a seasonal basis, usually returning to Kyrgyzstan for the winter.

Residents of poor rural areas of the country, particularly in the south, are most vulnerable to labor trafficking to

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Kazakhstan and Russia. Poor ethnic Kyrgyz women from impoverished areas are the most frequent victims of sexual trafficking. Golden Goal, an anti-trafficking NGO in Osh reported that there were 331 victims of trafficking in southern Kyrgyzstan in 2007.

B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report

Both NGOs and representatives from the Kyrgyz government characterize TIP as remaining a steady problem during the reporting period. While there were no significant increases or decreases, there was marked activity in prosecuting TIP cases. In October 2007, the former Deputy Chairman of the State Committee on Migration and Employment announced that 33 cases of human trafficking had been solved during 2007. According to the Prosecutor's office, there have been 23 convictions in cases involving trafficking in persons. Prosecution and conviction statistics such as the above were not available for the previous report. Additionally the State Committee on Migration and Employment has renewed its efforts to revise the National Action Plan against trafficking in persons.

Victims are trafficked from all areas of the country, with southern Kyrgyzstan in particular being the largest source area for trafficking victims; the majority of trafficking victims were believed to be victims of labor trafficking. International Organization for Migration (IOM) estimates that about 70 percent of TIP victims are from the southern provinces of Batken, Jalalabad, and Osh, where unemployment rates are the highest. According to IOM, NGOs, and the government, most frequently individuals are trafficked to Kazakhstan (to work in the agricultural sector, mostly on tobacco fields), Russia (industry, commerce, construction) and China (bonded labor); and to the UAE, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria for sexual exploitation. IOM estimates that up to 4,000 Kyrgyz women work in the UAE as prostitutes; however, it is uncertain how many of those women were trafficked.

Populations targeted by traffickers include women of both Slavic and Central Asian (Kyrgyz, Tajik and Uzbek) ethnicities, especially in the 18-25 age group. Unemployed poor people, particularly from southern Kyrgyzstan and rural areas, are also heavily targeted for seasonal agricultural work in Kazakhstan and for construction and industrial sector work in Russia. Press reports during the reporting period indicate that traffickers range from individuals or family-based syndicates to well-organized groups.

Kyrgyzstan is a transit country for smaller numbers of trafficking victims from Uzbekistan, Tajikistan, Turkmenistan, and South Asia to Russia, the UAE, Turkey and both Eastern and Western Europe. In 2006 in a widely reported trafficking case, 86 Uzbek women on one charter flight were interdicted while traveling to the UAE with false travel documents. During the past year Kyrgyzstan, particularly the city of Osh, was a destination and transit point for women trafficked from Uzbekistan for purposes of sexual exploitation.

The number of people working illegally in Russia and Kazakhstan has been declining during the last four years as channels for legal labor migration expanded due to bilateral agreements on labor migration with these two countries. In 2005, Russia passed legislation giving a preferential treatment to Kyrgyz citizen workers in Russia. The Kyrgyz government had worked closely with the Russian government to secure passage of the measure as a means of better protecting Kyrgyz workers in Russia. In 2006, the Kyrgyz government reached an agreement with Russian authorities simplifying rules for crossing the Russian border: starting Nov. 1, 2007, Kyrgyz citizens were authorized visa-free passage across the border using their domestic passport or identification card. Additionally, the SCME has worked to develop electronic means for Kyrgyz workers to receive their salary - in order to ease remittances back to

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Kyrgyzstan but also to decrease vulnerability to robbery and forced labor.

NGOs and the Kazakh government reported an increase in the flow of legal labor migrants from Kyrgyzstan during the past three years, especially in spring and summer. The number of officially registered Kyrgyz migrants in Kazakhstan has increased by 30 percent. According to IOM's Bishkek office, approximately 70 percent of Kyrgyz migrants to Kazakhstan work on a contractual basis, with the other 30 percent working with only verbal contracts. Most Kyrgyz migrants work as traders at markets or perform unskilled labor in the agricultural and construction sectors of Kazakhstan; a smaller group includes young people working in the IT sector, consulting companies and businesses requiring special skills.

In February 2007, the government announced the decision of the South Korean government to include Kyrgyzstan on its official list of countries exporting labor into the country, allowing Kyrgyz labor migrants to work legally in Korea. Previously, Kyrgyzstan had a quota of 400 labor migrants, but the actual number was thought to be much higher. Despite these new legal protections, the SCME reported several cases of trafficking including one group of athletes who are currently awaiting repatriation from South Korea.

NGOs and government sources reported that agencies offering employment abroad, travel, and modeling contracts often serve as fronts for trafficking operations. NGOs and the government also cited agencies that promote work or marriage abroad as the main conduits for trafficking victims for sexual exploitation. Such companies place advertisements in the media about marriage to foreigners, high salaries working in restaurants or as domestic servants to lure recruits. Women trafficked into prostitution are frequently recruited by former trafficking victims themselves, who now work for or become traffickers.

Recruiters for labor migrants often go to villages where jobs are scarce and call out for recruits over loudspeakers. Recruits are then bused to Kazakhstan for work on farms. Agricultural workers are also often recruited by word of mouth after recruiters spread rumors

of lucrative work abroad. An unknown number of these labor migrants may become trafficking victims.

Traffickers usually provide travel documents, including passports and visas. In the case of women trafficked to the UAE, traffickers provide forged travel documents indicating an older age for the victims in an effort to bypass the UAE regulations.

In the past there were reports of blank Kyrgyz passports being stolen from passport agencies here. Later, investigation of several TIP cases revealed that traffickers used the stolen passports. The availability for purchase of Kyrgyz passports led to the US government ceasing to recognize it as a travel document in 2004. Not only was the pre-2004 passport widely sold, but the lack of security features led to rampant forgery. While the US and the UK do not recognize this passport and the Kyrgyz government has ceased to issue it, the pre-2004 passport is still accepted for travel to most Schengen countries and the UAE until 2010.

Bride kidnapping is also part of the trafficking problem in the Kyrgyz Republic because it involves, in many cases, forced marriage and movement - even if it only occurs within the same oblast or town. Increased reports of bride kidnappings have been attributed to a weak economy, as young men cannot afford to marry according to traditional practices. Bride kidnapping is considered to be a part of Kyrgyz culture even though it only reportedly became prevalent in the last 200 years. A 2003 study indicated that the problem is particularly severe in northern Kyrgyzstan. Research indicates that up to one-third of ethnic Kyrgyz women in northern Kyrgyzstan may be married against their will as a result of bride kidnapping. Another 20 percent of marriages among ethnic Kyrgyz are the result of consensual bride kidnapping, which

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is done by some out of respect for tradition. During the past reporting period, a US citizen was the victim of bride kidnapping and was held against her will for several days before she escaped. While it is typical for a group of young men to actually perform the kidnapping, it is not unusual for female relatives to assist them - sometimes urging the "bride" to just give in. According to NGOs (Healthy Generation and Spravedlivost), seven out of ten couples married through bride kidnapping eventually get divorced. Women who refuse to acquiesce can face rejection from their families, and intense ostracism - thus making them a vulnerable part of the population.

1C. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Office of the Prosecutor General, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the National Security Service, the National Border Service, the Customs Agency, the Ministry of Labor and Social Protection, the Ministry of Education, the Ministry of Health, and local administrations are all involved with anti-trafficking efforts. The law on Prevention and Combating Trafficking in Persons, adopted in 2005, specifically states the role of each Ministry and office in combating TIP. The National Council on Fighting Human Trafficking was the leading government organization in fighting TIP. However the State Committee on Migration and Employment (SCME) is the only agency that has adequate staffing and works continuously on TIP. The Committee has regional offices in all seven oblasts and in Bishkek. The National Council is scheduled to meet annually but has not done so for the past three years.

1D. What are the limitations on the government's ability to address this problem in practice?

The government's ability to address TIP was limited by significant changes that followed the "Tulip Revolution" of March 2005. Changes in the structure of the government, a high turnover of individuals responsible for conducting/coordinating anti-TIP activities, and the lack of staff with experience in dealing with TIP issues delayed anti-TIP activities at that time. Kyrgyzstan adopted a new

constitution in October 2007. There were pre-term parliamentary elections and a new prime minister and cabinet were appointed in December 2007. Inadequate funding of law enforcement agencies and low salaries of law enforcement officers, coupled with corruption also weakened the government's ability to address the problem.

Resources to aid victims were also scarce. The government continued to provide space free of charge to the Sezim shelter in Bishkek, which offers shelter both to TIP victims and victims of domestic violence. In 2003, the Mayor's Office in Osh provided a building for the shelter for trafficked and abused women. In 2006, local authorities of Osh allocated space for another shelter for children. The shelter provides support to homeless children, including those deserted by parents who left in search of job opportunities.

Overall, corruption was a critical problem recognized by the government. In 2006, government officials at the highest level made public statements regarding their commitment to eliminate corruption, carried out an anticorruption information campaign through the media, implemented measures to make the operation of government and judiciary more transparent, and simplified procedures for business registration and operation. However, there was no noticeable impact from these measures. In 2005, the government established the Agency for Preventing Corruption and the National Council for Fighting Corruption. The following year, the agency conducted a nationwide survey of corruption within government agencies. Based on the results of the study, the agency released a list of the most corrupt governmental bodies, including the tax and customs agencies, law enforcement bodies, courts, and agencies controlling construction and business licenses. However, no action was

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taken against corrupt officials as a result of the survey.

1E. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government, through the State Committee on Employment and Migration Issues (SCME) monitored and analyzed the labor migration situation during the reporting period. A new National Action Plan is in the process of being drafted which will formalize the SCME's role as lead agency in tracking and fighting TIP. Under the newly proposed National Action Plan, the SCME will also chair a working group composed of other government agencies to coordinate anti-TIP efforts. However, because of the lack of resources and expertise for conducting such research, no comprehensive and systematic monitoring of TIP issues was established.

No meetings of the National Council to Combat Trafficking were held during the reporting period. In November 2005, the SCME conducted a door-to-door survey. Based on results, they estimated that at least 300,000 Kyrgyz citizens work as labor migrants in Russia and Kazakhstan alone. Since the survey was done in November, when most seasonal workers had returned home, the chairperson of the Committee concluded that the actual number is significantly higher. At a conference in December 2007, then Deputy Chairman of the SCME Dasmir Uzbekov estimated the number of labor migrants at 400,000 people, with about 250,000 working in Russia. According to the official, most of the labor migrants are in 18-30 year age group.

Representatives of government/law enforcement agencies made presentations at various conferences and to the media reporting on work performed. The police's TIP unit and office of the Prosecutor General maintained statistics on the number of cases investigated, and the Court Department maintained statistics on the number of prosecuted traffickers. During the year law enforcement agencies publicized information on prosecution cases through media outlets and at public events devoted to TIP.

As part of the anti-trafficking information campaign, the

government and both domestic and international NGOs provided assessments of the TIP situation.

12. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. Does the country have a law specifically prohibiting trafficking in persons--both for sexual and non-sexual purposes (e.g. forced labor)?

The law on Prevention and Combating Trafficking in Persons, adopted in January 2005, and changes to Article 124 of the Criminal Code, introduced in January 2006, outlaw trafficking in persons and specify penalties ranging from three to 20-years imprisonment for those convicted under this article. The 2006 amendment to Art. 124 of the Criminal Code provides protection to TIP victims if they cooperate with law enforcement agencies. Now TIP victims are not prosecuted for document fraud or illegal border crossing if they assist in prosecution of trafficking cases.

The law gives a broad definition of trafficking, including recruiting, transporting, hiding, receiving, transferring or selling a person, or any other illegal transaction performed either with the person's consent or without it, carried out by way of applying force, fraud, cheating, kidnapping for the purpose of exploitation or gaining a profit. The law states the following definition of exploitation: involvement in criminal activity, coercion into prostitution or other forms of sexual activity, forced labor or services, slavery, adoption for commercial purposes, and forced service in armed conflicts.

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Thus, the law covers both trafficking for sexual exploitation and trafficking for forced labor, including trafficking of minors; the law contains a special provision for TIP crime committed in connection with the abuse of official power.

In January 2006, the President enacted the new law on External Labor Migration. The law regulates recruitment of Kyrgyz citizens for work abroad and legal assistance to labor migrants, including cases that pose the danger of trafficking.

In February 2006, the Code on Administrative Responsibility was amended to include a more severe punishment of governmental officials for violating rules of visa issuance to foreigners; this amendment is aimed at preventing trafficking of foreign citizens to Kyrgyzstan.

TIP-related crime is also prosecuted on charges outlined in the following articles of the Criminal Code:

Art. 123 Kidnapping;
Art. 154 - Entering into marriage relations with a person under marriage age (18 years old);
Art. 157 - Involvement of minors in antisocial activities;
Art. 204-1 - Organizing illegal migration;
Art. 204-2- Numerous violations of the regulations on recruiting and employing foreigners;
Art. 260 - Recruiting people for purposes of prostitution;
Art. 261 - Establishing and operating brothels for prostitution;
Art. 346 - illegal border crossing;
Art. 350 - document forgery.

These provisions of the Criminal Code are sufficient for prosecution of the full scope of trafficking-related crimes.

Additionally, the following laws cover actions of people interfering with the prosecution process:

-- Criminal Code, Art. 317 - Obstructing the judicial Process: punishment is up to five years in prison;

-- Criminal Code, Art. 318 -Obstructing the investigation:
punishment is up to five years in prison;

-- Code on Administrative Responsibility, Art. 77 - Illegal
Employment: punishment is a fine of up to 70 minimum salaries (Note:
one minimum salary is presently equal to \$2.50 End Note);

-- Code on Administrative Responsibility, Art. 315 - False
Advertising: punishment is a fine of up to 70 minimum salaries;

-- Code on Administrative Responsibility, Art. 391-1 -
Illegal trafficking of people through the border: punishment is a
fine of up to 50 minimum salaries or dismissal;

On September 9, 2006 the president signed a law, which
establishes a system of state protection for witnesses,
victims, and other participants of criminal trials. Under
this law, testimony from witnesses and other trial
participants will also carry greater weight both in the
investigation and in court proceedings. Observers believe the law
will increase witnesses' willingness to testify.
According to Golden Goal, an NGO located in Osh, up to 80 per cent
of witnesses refuse to give evidence for fear of retaliation by the
accused.

B. What are the prescribed penalties for trafficking
people for sexual exploitation? What penalties were
imposed for persons convicted of sexual exploitation over
the reporting period?

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Traffickers of people for sexual exploitation can be prosecuted
sentenced based on the following articles of the Criminal Code:

--Art. 124 - Trafficking in persons: punishment is up to 20 years
imprisonment;

--Art. 204-1 - Organization of Illegal Migration: punishment is up
to five years imprisonment;

--Art. 346 - Illegal border crossing: punishment is up to five years
in prison;

--Art. 350 - Document forgery: punishment is up to four years in
prison.

During the reporting period, 33 cases of trafficking in people were
solved, several of them resulting in arrests. According to the
Prosecutor General's office, four of these arrests were related to
sexual exploitation/prostitution. According to press reports, at
least one of these arrests was for an individual who trafficked
women to the UAE for prostitution. According to statements from the
former Deputy Chairman of the State Committee of Migration and
Employment in December 2007, there have been at least 23 convictions
for trafficking in persons during the reporting period. However post
was unable to determine the number of convictions specifically for
sexual exploitation. Several trafficking cases are still on-going.

C. Punishment of Labor Trafficking Offenses: What are
the prescribed and imposed penalties for trafficking for
labor exploitation, such as forced or bonded labor and
involuntary servitude?

Labor trafficking offenses are punishable under the
following provisions of the law:

--Art. 124 -Trafficking in persons: punishment is up to 20 years
imprisonment;

--Art. 204-1 - Organization of Illegal Migration: punishment is up
to five years imprisonment;

--Art. 346 - Illegal border crossing: punishment is up to five years
in prison;

--Art. 350 - Document forgery: punishment is up to four years in

prison.

Additionally, theft, destruction, damage or concealment of documents is punishable under article 348 of the Criminal Code, resulting in a fine of 100-200 minimum monthly wages or confinement of up to six months.

As mentioned above, at least 33 cases of trafficking in persons were "solved" during the reporting period. According to press reports and the Prosecutor General's Office, at least 19 of these arrests were related to labor trafficking. Post has not received any data on the number of convictions but several of these cases are still on-going.

1D. What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed penalties for crimes of trafficking for commercial sexual exploitation?

Rape and forcible sexual assault are prosecuted under the following articles of the criminal code:

-- Rape is prosecuted under Art. 129 of the Criminal Code. The punishment is from five to 20 years in prison and can include capital punishment for the rape of a minor. Multiple rapes by a person previously convicted for a similar crime, by a gang of people, especially aggravated by threats of death or bodily injury, or rape of a minor is punished by eight to 15 years;

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-- Forcible sexual assault is punished under art. 130 of the Criminal Code with three to 20 years;

-- Coercion to perform actions of a sexual nature is punishable under Art. 131, by up to two years in prison;

-- Sexual intercourse or other sexual actions with a person below 16 years old are punished under Art. 132 with up to three years in prison.

This is comparable to sentences in cases of trafficking for commercial sexual exploitation (art. 124, three to 20-years imprisonment).

1E. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced?

Prostitution itself is neither legalized nor outlawed. However, the Criminal Code specifically outlaws the operation of brothels and pimping (art. 261) and the recruitment of people into prostitution (art. 260) with penalties of up to five years imprisonment.

1F. Has the government prosecuted any cases against human trafficking offenders?

During the reporting period, the government reported arrests on TIP-related charges, and that 33 cases of human trafficking were solved. According to the former Deputy Chairman of the State Committee of Migration and Employment (SCME), there have been at least 23 convictions against human traffickers. According to the General Prosecutor's office, 19 of these cases involved prosecutions for forced labor while four were related to sexual exploitation/prostitution. The NGO Golden Goal, located in Osh, reported that a number of these arrests and prosecutions were occurring in the south of Kyrgyzstan - the source for the majority of victims of trafficking and a significant transit point for traffickers. However post does not have a detailed list of sentences served, fines or details on plea bargains.

--According to the State Committee for Migration and Employment, companies are required to obtain licenses for recruiting

people for work abroad, but there were also recruiters operating without a license. During the reporting period government agencies monitored activities of companies involved in recruiting people for work abroad and took actions against those companies violating the law.

¶G. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

The government supported a number of training programs for law enforcement officers, governmental officials and NGOs conducted by IOM and other organizations. The MVD Academy and the training center for MVD officers, teach courses on recognizing and conducting investigations into trafficking-related crimes.

In September 2007, the US Embassy with cooperation from the Federal Law Enforcement Training Center (FLETC) provided a week-long training session to Kyrgyz law enforcement personnel on identification, investigation and prosecution of trafficking in persons cases.

¶H. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases?

The Kyrgyz government cooperates with other CIS countries within the framework of the Minsk Convention on Legal Assistance and Legal

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Relations in Civil, Family and Criminal Cases. Kyrgyzstan has bilateral agreements on legal assistance in civil, family and criminal matters with Latvia, China, the Czech Republic, and Iran. Similar agreements were drafted and forwarded to Finland, Greece, Norway, Netherlands and Poland, and are currently awaiting approval by these governments.

In addition:

-- In October 2006, parliament ratified a Commonwealth of Independent States (CIS) agreement on combating trafficking aimed at coordinating efforts of CIS law enforcement agencies.

-- In December 2007, the Kyrgyz government, with assistance from the OSCE and the United Nations Office of Drugs and Crime (UNODC), held a regional roundtable "Combating Trafficking in Human Beings in Central Asia: State Policies, Dynamics and Ways Forward." National delegations from the majority of CIS countries were present and included government representatives as well as NGOs from each country. The purpose of the conference was to share common experiences regarding TIP and find potential common solutions.

-- In November 2007 a meeting of the Russian-Kyrgyz Consultative Council on Labor Migration was held in Bishkek. Participants discussed ways to harmonize legislation on labor migration and coordination of actions to resolve problems of labor migration.

¶I. Does the government extradite persons who are charged with trafficking in other countries?

Under bilateral and multilateral agreements with several NIS countries and China, Kyrgyzstan may extradite foreign citizens charged with criminal offenses, including TIP. Article 13 of the Constitution prohibits the extradition of Kyrgyz citizens to other countries.

Post has no information regarding extradition by the government of traffickers to other countries. However one of the most recent arrests during the reporting period (February 19, 2007) included a Russian citizen who was arrested for selling Kyrgyz nationals to other Russian citizens. It is not clear at the time of this report whether the arrested individual would be prosecuted under any Russian laws.

¶J. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional

level?

NGOs reported a perceived tolerance of trafficking by some low-level law enforcement officials, but blame this on a lack of awareness of trafficking issues and a belief among some police officials that most women working as prostitutes do so willingly and are not victims of trafficking.

Corruption also plays an important role in that corrupt officials could easily be bought off by traffickers. However, Post has no evidence of official corruption contributing to the trafficking problem in Kyrgyzstan.

No concrete information about involvement of government officials into TIP crime is available.

¶K. If government officials are involved in trafficking, what steps has the government taken to end such participation?

In 2005, the government of Kyrgyzstan established the Agency for Preventing Corruption and the National Council for Fighting Corruption. During the reporting period, there were no arrests or convictions of public officials in trafficking-related crimes. As mentioned in the previous section, the Code on Administrative Responsibility was amended in 2006 to include a more severe punishment of government officials for violating rules of visa

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issuance to foreigners; this amendment is aimed at preventing trafficking of foreign citizens to Kyrgyzstan.

¶L. As part of the new requirements of the 2005 TVPRA, for countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking or who exploit victims of such trafficking.

The Kyrgyz Republic has not contributed troops to international peacekeeping efforts.

¶M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin?

Kyrgyzstan has not been a destination country for child sex tourism. However, trafficking of children for sexual exploitation remains a concern.

Domestic laws on child sexual abuse do not have extraterritorial coverage.

¶3. PROTECTION AND ASSISTANCE TO VICTIMS:

¶A. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation?

As source country for TIP, Kyrgyzstan reports few incidents of foreigners being trafficked with Kyrgyzstan as the final destination. The majority of trafficking victims are Kyrgyz citizens themselves. The few reported foreign trafficking victims are usually from Uzbekistan, Turkmenistan and Tajikistan and usually are en route to a third destination. As citizens of the Commonwealth of Independent States (CIS), Uzbek and Tajik citizens do not require visas to travel or remain in Kyrgyzstan. All victims of trafficking are eligible for amnesty from any migration violations provided they cooperate with trafficking investigations. All victims of trafficking are able to receive assistance from the various NGOs and

international organizations who aid victims of trafficking.

1B. Does the country have victim care facilities which are accessible to trafficking victims?

While the government of Kyrgyzstan itself does not provide victim care facilities, it does continue to provide space for three shelters - one in Bishkek and two in Osh, which are operated by local NGOs. There foreign victims as well domestic victims are able to receive assistance. These organizations are privately funded from international donors and from private sources. During 2007 the Sezim shelter in Bishkek provided the following assistance to victims of trafficking:

- 27 victims received psychological assistance
- 12 victims received specialty vocational training
- 19 victims received social assistance
- 21 victims received medical

The NGO Sezim also received 100 calls to their hot line during 2007. All calls were made on IOM-sponsored and government-operated toll-free number. Golden Goal, an anti-trafficking NGO in Osh, reported 435 calls from March - December 2007 to their anti-trafficking hotline. Through those calls, 21 victims of trafficking were identified.

By the year's end, IOM provided assistance to 151 trafficking

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victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and financial support through monthly stipends.

1C. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for services to trafficking victims?

The Government does not directly provide funding to foreign or domestic NGOs for services to victims and does not have victim health care facilities. It lacks funding, personnel, and training to support such programs. The Kyrgyz government does provide free space for shelters and does not charge any fees for the anti-TIP hotlines.

1D. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)?

The Ministry of Internal Affairs (MVD), the National Border Service, and the National Security Service have each developed systems for victims of trafficking to be referred to appropriate shelters. The head of the Sezim shelter in Bishkek reported a good level of cooperation with these agencies and an increasing number of referrals from law enforcement officials during the reporting period.

According to Golden Goal, there were 331 victims of trafficking identified in southern Kyrgyzstan in 2007. IOM reports that 28 victims in 2007 were identified in shelters such as Sezim's.

1E. For countries with legalized prostitution: does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

While Kyrgyzstan has not legalized prostitution, it has not outlawed it either. Existing legislation makes it illegal to recruit someone for prostitution, operate a brothel or act as a pimp. Kyrgyzstan does not have a mechanism for screening trafficking victims from legal commercial sex workers as there is no regulated commercial sex trade.

1F. Are the rights of victims respected?

Victims of trafficking are afforded protection from prosecution should they cooperate with law enforcement. During the reporting period, there have been no reports of the detention of trafficking victims. In the majority of trafficking cases, the victims are Kyrgyz citizens themselves who are trafficked either abroad or within the country. Prostitution and other labor violations committed abroad are not prosecuted within Kyrgyzstan. Once identified, victims are able to receive assistance from Sezim, Golden Goal or other NGOs.

1G. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

The government does encourage victims to assist in the investigation and prosecution of trafficking. Under Article 50 of the Criminal and Procedural Code, a victim has the right to assist in the investigation and prosecution of trafficking by providing evidence, participating in investigative activities, providing comments to reports on investigative activity with his/her involvement; he/she has the right to access all investigation materials, participate in court proceedings and appeal court decisions. Victims have the right to file civil suits against traffickers.

Post has no information on whether victims' access to legal

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redress is impeded, because this legal redress is not yet available. If a victim is a material witness in a court case against a former employer, the victim is not permitted to leave the country. There is no victim restitution program

1H. What kind of protection is the government able to provide for victims and witnesses?

On September 9, 2006 the president signed a law, which establishes a system of state protection for witnesses, victims, and other participants in criminal trials. Under this law, testimony from witnesses and other trial participants will also carry greater weight both in the investigation and in court proceedings. This law additionally provides amnesty from prosecution of migration and related offenses should the victims cooperate with the investigation. Observers believe the law will increase witnesses' willingness to testify. According to Golden Goal, up to 80 per cent of witnesses refuse to give evidence for fear of retaliation by the accused.

Another provision of the Criminal and Procedural Code (point 4 of Article 12) provides for some measures ensuring the security and safety of victims and witnesses: "When there is sufficient information that a witness or other participant of the legal process is threatened with violence, destruction or damage to his property or other dangerous illegal actions, the court, the procurator, the investigator and the investigation body must, within the framework of their competence, undertake measures outlined by the law to protect the life, health, honor, dignity and property of such persons."

In practice, these measures are only occasionally enforced due to a lack of resources at all levels to provide such protection. To better enforce compliance, the Prosecutor General sent a directive urging full compliance with the provisions of the law concerning protection of witnesses.

As mentioned previously, the government does not operate any shelters or assistance programs of its own. However, there is a referral mechanism for victims of trafficking to shelters and programs run by NGOs and international organizations such as IOM. As mentioned previously, the Sezim shelter in Bishkek provided the following assistance to victims of trafficking in 2007:

- 27 victims received psychological assistance
- 12 victims received specialty vocational training
- 19 victims received social assistance
- 21 victims received medical

The NGO Sezim also received 100 calls to their hot line during 2007.

All calls were made on IOM-sponsored and government-operated toll-free number. Golden Goal, an anti-trafficking NGO in Osh, reported 435 calls from March - December 2007 to their anti-trafficking hotline. Through those calls, 21 victims of trafficking were identified.

By the year's end, IOM provided assistance to 151 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and financial support through monthly stipends.

I. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children?

The MVD Academy, the training center for MVD personnel, has training courses on recognizing and investigating trafficking-related crimes. The Interagency Training Center, part of the National Border Service, provides training on combating crime related to illegal migration, drug trafficking and human trafficking.

During the reporting period, the US Embassy in conjunction with the
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Federal Law Enforcement Training Center (FLETC) conducted a week-long anti-TIP training sessions for Kyrgyz law enforcement and prosecutors.

The MFA during the reporting period instructed its embassies and consulates located in destination countries to do all that they could to cooperate with local law enforcement bodies to investigate trafficking cases and to assist Kyrgyz victims of trafficking. Embassies and consulates in destination countries have a relationship with IOM, which assists with the return of trafficking victims who are Kyrgyz citizens to Kyrgyzstan. During the reporting period, Kyrgyz Embassies abroad and IOM reported a total of 134 repatriations of Kyrgyz victims of trafficking back to Kyrgyzstan. Assistance ranged from providing travel documents to locating funding for return travel. According to the new Deputy Chairman of the State Committee on Migration and Employment (SCME) Toktosun Sabyrov, the SCME is hoping to open offices in Kazakhstan, Russian, Turkey and the UAE to provide additional assistance to Kyrgyz laborers and victims of trafficking in those countries.

J. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

The government does not provide medical aid, shelter or financial help to its repatriated nationals who are victims of trafficking. It lacks funding, personnel and training to do so. However, the Government does cooperate with NGOs and international organizations such as IOM which are able to provide such assistance and refers returned trafficking victims to shelters.

K. Which international organizations or NGOs, if any, work with trafficking victims?

A number of international and domestic NGOs work with trafficking victims in Kyrgyzstan:

-- IOM, with its offices in Bishkek and Osh, assists and funds the return of victims of trafficking to Kyrgyzstan. In February 2006, IOM started a 27-month Program on Combating Trafficking in Human Beings, funded by USAID. IOM works in partnership with 28 domestic NGOs on various aspects of the labor migration/trafficking problem. By year's end, IOM provided assistance to 151 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, as well as monthly stipends.

-- The Eurasia Foundation, through four NGO partners,

provided legal advice to labor migrants, assisted the SCME in developing public policy and assessed training needs of potential labor migrants. One of NGO partners stationed in Yekaterinburg gathered information about job opportunities in Russia, and provided consultations and legal advice to Kyrgyz labor migrants in Yekaterinburg.

-- NGOs such as Sezim, Golden Goal, Podruga, Ulybka and Adilet Legal Clinic, provide legal, medical and counseling services for trafficking victims.

-- The Sezim shelter in Bishkek and six other shelters for female victims of domestic violence (one each in Talas, Jalalabad, Cholpon Ata, Naryn, and two shelters in Osh) also provide shelter for TIP victims.

--During the reporting period the Sezim shelter in Bishkek provided shelter to 27 female TIP victims.

-- During the reporting period, the Sezim shelter and the NGO Golden Goal based in Osh received over 500 phone calls on their "Stop Traffic" hotlines.

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-- The Elsen NGO operating the toll-free 189 hot line received about 1,000 calls from potential labor migrants and provided legal guidance and employment information.

--The NGO Golden Goal based in Osh focuses on protecting the rights of young people, including giving free consultations regarding external labor migration. The NGO also publishes information on finding employment abroad without falling into the hands of traffickers.

In September 2007, the European Commission announced support for two new anti-trafficking projects. With a focus on southern Kyrgyzstan, the first of the two projects trains local teachers in Osh, Jalalabad and Batken in how to increase awareness and help prevent human trafficking. The second project will train local governments, law enforcement agencies and NGOs in fighting human trafficking.

4. PREVENTION

4A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government acknowledges that trafficking is a problem in the Kyrgyz Republic. In addition to existing legislation that specifically outlaws trafficking in persons, Parliament passed new legislation to address the problem in January of 2005 and the president signed the law into effect in March 2005. The mechanisms for providing such protection were outlined in the amendments to Art. 124 of the Criminal Code, which were signed into law January 5, 2006.

4B. Are there, or have there been, government-run anti-trafficking information or education campaigns conducted during the reporting period?

During the rating period, the government supported and/or participated in a number of information and education anti-TIP programs jointly with international and domestic NGOs:

-- Jointly with IOM and USAID, the government continued to publish a number of information materials in the Kyrgyz and Russian languages for those seeking jobs abroad or those currently abroad and facing difficulties. A variety of brochures, booklets, leaflets, and "The Migration Bulletin" newspaper provide information on how to avoid being trafficked, about relevant laws and regulations, IOM hot lines operating in several countries, and the "Stop Traffic" hot line in Kyrgyzstan. Also available is contact information for the offices of the SCME, Kyrgyz diplomatic missions abroad and Kyrgyz Diasporas in Russia. These materials are readily available at the office of the

"189" hot line and at five labor migrant support centers (four in Kyrgyzstan and one in Yekaterinburg, Russia).

-- In June 2006, the government, jointly with IOM and several foreign donors, began USAID-sponsored TIP information and victims assistance campaigns. During the reporting period, the government continued to support these programs. As part of the campaign, the government provided office space and allocated a toll-free phone line (189 in Bishkek, Karakol, Talas, Osh and Jalalabad, or 104 in Naryn and Batken), which offered information in Kyrgyz and Russian languages about regulations and laws for labor migrants and tips about employment opportunities abroad. Since the hot line was established, over 1,000 people have received advice and consultations.

-- In November 2006, Golden Goal and the OSCE launched a website (<http://www.antitraffickingdolina.net>) aimed primarily at Ferghana Valley residents. The website provides information on combating trafficking, including anti-trafficking programs implemented in the region, helpline information for TIP victims, relevant laws on trafficking and other useful information. The site also serves as a venue for information

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sharing between Kyrgyz, Uzbek and Tajik NGOs involved in anti-trafficking activities.

-- In December 2006, the NGO "Podruga" and the OSCE conducted a seminar in Osh for local officials, representatives of law enforcement bodies and NGOs of three southern provinces to discuss ways of cooperation between authorities and civil society in combating TIP.

-- In February 2007, Golden Goal conducted a regional conference in Osh, "Enhancement of Regional Cooperation between NGOs of Central Asia in Combating Human Trafficking". Sponsored by the Canadian Government, participants of the event included representatives of NGOs, law enforcement agencies and local government officials from Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan.

-- IOM continued a 27-month USAID-funded Program on Combating Trafficking in Human Beings.

-- The Eurasia Foundation Office in Bishkek continued implementing a project to support Kyrgyz labor migrants. Through four NGO partners, Eurasia Foundation provided legal advice to labor migrants, assisted the SCME in developing public policy and assessed training needs of Kyrgyz labor migrants.

-- Public schools and higher educational institutions either have a separate course on TIP in their curriculum or discuss TIP issues as part of courses on "Safe Life and Basics of Healthy Lifestyles." The school course on "We and the Law" contains a two-hour session on preventing TIP.

-- The president appointed a representative in the parliament for gender issues. The responsibility of this official is to ensure that all legislative acts give due respect to the rights of women.

--The government continued to support several programs aimed at, among other things, keeping children in school. Such programs are: the New Generation, Jashtyk (Youth), Jetkinchek (Access to Education).

--The State Commission on the Affairs of Under-Age Children disseminates information nationwide regarding children's rights.

1C. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

According to NGO representatives, relations between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue were good. Throughout the year, the government repeatedly directed government

agencies at all levels to cooperate actively with and assist NGOs working on fighting TIP. Although lack of resources at every level limited the government's ability to combat all forms of crime, including TIP, the government displayed a willingness to work closely with NGOs around the country on prevention programs, mainly in the form of educational and information campaigns and training for police, office of the prosecutor and other government officials.

Representatives of central and local governments frequently participated in anti-trafficking programs carried out by NGOs, provided grantees free space for conducting trainings and seminars, and assisted in organizing events and advertising for them. NGOs working on trafficking issues reported that they are generally satisfied with the level of cooperation they receive from both national and local government agencies as well as law enforcement bodies. The director of the Sezim shelter recognized the improvement of relations between NGOs and law enforcement agencies, which often seek advice on how to handle TIP issues and refer victims to shelters.

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1D. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

The State Committee on Migration and Employment (SCME) routinely tracks migration and foreign employment data as part of its mandate. While the main focus is not fighting TIP, the SCME uses the data it collects in its anti-TIP efforts. Efforts were made in the fall of 2007 to begin to track the number of Kyrgyz citizens abroad. According to press reports, the Parliamentary committee on migration was tasked with conducting a census on the number of Kyrgyz citizen abroad. Press reports and official statement state that approximately 400,000 - 500,000 Kyrgyz citizens work abroad.

1E. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

Under the offices of the First Deputy Prime Minister, there is a National Council on Fighting Human Trafficking which consists of representatives from various government agencies and NGOs. However the National Council has not met for more than two years. In actuality, the State Committee on Migration and Employment (SCME) is the functioning government body that coordinates for communication and coordination.

At a recent meeting with the new Deputy Chairman for the SCME, post learned that the SCME is in the process of drafting new anti-TIP legislation. The proposed legislation will appoint the SCME as the coordinating organization for all anti-TIP efforts. A new anti-TIP working group will be established to increase inter-agency cooperation and efficiency with the SCME as the leading agency.

1F. Does the government have a national plan of action to address trafficking in persons?

In 2002, the First Prime Minister's Office created the National Council on Fighting Human Trafficking which has representatives from the State Committee for Migration and Employment Issues (SCME), the Ministry of Interior, the Office of the Prosecutor General, the National Security Service, the National Border Service, the Customs Agency, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Labor and Social Protection, the Ministry of Health, and local administrations of local self-governance bodies.

According to Deputy Chairman Toktosun of the SCME, the Kyrgyz Parliament and SCME are drafting a new anti-TIP National Action

plan. As stated above, this action plan will establish the SCME as the lead anti-TIP agency and coordinating body, establish a regular anti-TIP working group and build upon the previous National Action Plan's delineation of responsibilities amongst Kyrgyz government agencies.

The previous law, the Law on Prevention and Combating Trafficking in Persons stipulates the legal aspects of preventing and combating trafficking, provides guidelines for coordination of the efforts of law enforcement agencies involved in such activities, outlines measures for victim protection and support, and designates a special entity for preventing and fighting TIP, which consists of representatives of the government, NGOs and international organizations. According to the law, the responsibilities of this entity include: developing and implementing the state policy on fighting trafficking; gathering and analyzing the information regarding the magnitude and trends in trafficking; overseeing the operation of agencies and institutions tasked with prevention and fighting TIP; participating in drafting TIP-related international documents; making proposals on improving existing TIP-related laws;

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and organizing TIP-awareness campaigns. The law describes specific functions of the following governmental agencies involved in anti-TIP activities: the Office of the Prosecutor General, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the National Security Service, the National Border Service, the Customs Agency, the Ministry of Labor and Social Protection, the Ministry of Education, the Ministry of Health, and local administrations. The law includes measures for victim protection.

¶G. As part of the new criteria added to the TVPA's minimum standards by the 2005 TVPRA, what measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

Kyrgyzstan has continued to prosecute cases under existing legislation. No new initiatives have been taken during this reporting period.

¶H. As part of the new criteria added to the TVPA's minimum standards by the 2005 TVPRA, what measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

Nationals of Kyrgyzstan are not reported as participating in international child sex tourism.

¶I. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts: What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking?

Kyrgyzstan does not contribute 100 or more troops to any international peacekeeping efforts.

Yovanovitch